

REMARKS

Claims 1-3 and 5-31 were pending. Claims 32-36 have been added. Claims 1, 2, 8, 12, 13, 18, 23, 25, 29, and 30-31 have been amended. Accordingly, claims 1-3 and 5-36 are pending.

In the present Office Action, claims 1-3, 8-10 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,407,779 (hereinafter “Herz”) in view of U.S. Patent No. 5,223,815 (hereinafter “Rosenthal”). Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Rosenthal, and in further view of U.S. Patent No. 6,078,348 (hereinafter “Klosterman”). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, in view of Rosenthal, and in further view of U.S. Patent No. 5,191,615 (hereinafter “Aldava”). Claims 12-22, 26, and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman, in view of Herz, and further in view of Rosenthal. Claims 23 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, in view of U.S. Patent No. DES 3,861,184 (hereinafter “Heimbürger”), and in further view of Rosenthal. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, in view of Rosenthal, and further in view of U.S. Patent No. 5,182,553 (hereinafter “Kung”). Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman, in view of Herz, and further in view of Rosenthal, and further in view of Kung. Finally, claims 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, in view of Heimbürger, and further in view of Rosenthal, and further in view of Kung. Applicant respectfully traverses these rejections and requests reconsideration.

Claim 1 recites a system including a receiving station which:

“transmits a notification signal to said programmable device to indicate that said receiving station is ready to transmit programmable device data configured for use in programming the programmable device to said programmable device, in response to detecting said program data includes the programmable device data; and
does not transmit said notification signal, in response to detecting said program data does not comprise programmable device data;

wherein in response to receiving said notification signal, said programmable device is configured to emit a user-sensible signal to indicate that said receiver is ready to transmit the programmable device data to the programmable device.”

Applicant submits none of the cited art, either singly or in combination, teach all of the features of claim 1. For example, paragraph 1 of the Office Action suggests the combination of Herz and Rosenthal are combinable to meet all the limitations of claim 1. However, as discussed in Applicant’s prior Response, Rosenthal is directed to a theft deterrent system. In particular, Rosenthal teaches an anti-theft system designed to provide an alert in the event a first portable unit becomes separated from a second portable unit by more than a predetermined distance. The first portable unit continuously transmits a signal to the second portable unit which is configured to continuously detect the transmitted signal. When it is detected the transmitted signal either is no longer detected, or the strength of the transmitted signal falls below a predetermined threshold, the second portable unit emits an alarm to indicate it has been separated from the first portable unit. (Rosenthal, col. 1, lines 8-11). Accordingly, Rosenthal does not teach a system which “transmits a notification signal ... in response to detecting said program data includes the programmable device data; and does not transmit said notification signal, in response to detecting said program data does not comprise programmable device data.” In contrast, the continuous transmission of the transmitted signal is indispensable to the operation of the Rosenthal system. Therefore, the combination of Herz and Rosenthal does not teach all the features of claim 1.

In addition to the above, Applicant notes that the combination of Herz and Rosenthal as suggested in the Office Action produces a system in which a programmable device cannot leave the vicinity of the television receiver without sounding an alarm. As may be appreciated, such a system has somewhat limited utility and is certainly not suitable for the system as described, and claimed, in the present application.

Further, in the Response to Arguments section of the present Office Action, some preliminary remarks are offered by the examiner. However, Applicant notes that in responding to Applicant’s earlier arguments, the examiner has only cited a *portion* of the features under

discussion. For example, the examiner states that the Applicant argued “Herz does not teach transmitting a notification signal to said programmable device . . .” However, Applicant actually argued that Herz does not teach a receiver “configured to transmit a notification signal to said programmable device *to indicate that said receiving station is ready to transmit said program data to said programmable device.*” Applicant submits it is not appropriate to eliminate the latter part of the recitation. Applicant argued that the purpose of the signal in Herz (“to inform the remote control of the incoming IR request” which is merely used to determine if the remote control is within IR range; Herz, col. 7, line 14-57) is not the same as the recited notification signal whose purpose is to “to indicate that said receiving station is ready to transmit said program data to said programmable device.” Still further, as discussed above, the current recitation of this feature in claim 1 has been amended to read:

“transmits a notification signal to said programmable device to indicate that said receiving station is ready to transmit programmable device data configured for use in programming the programmable device to said programmable device, in response to detecting said program data includes the programmable device data; and

does not transmit said notification signal, in response to detecting said program data does not comprise programmable device data.”

Consequently, the present recitation includes additional features not taught or suggested by the cited art. Therefore, claim 1 is believed patentable over the cited art. In addition, as claim 12 includes features similar to claim 1, claim 12 is also believed patentable over the cited art.

Claim 23 also stands rejected under 35 U.S.C. § 103(a). In rejecting claim 23, the examiner notes that Herz does not disclose the programmable device is a toy. It is then suggested that Heimburger (entitled “Remote Control”) discloses a remote control is built as a toy. However, Applicant respectfully submits Heimburger does not disclose a toy. Rather, Heimburger merely teaches a remote control with a fanciful design. Applicant submits a remote control is not a toy, regardless of what it looks like. A toy is something for a child to play with. In fact, this representative can personally attest to telling his children not to play with the television remote control because it is not a toy. If fanciful decoration or design could transform any object into a toy, then anything could be a toy – no matter how inappropriate, or even

dangerous, for children. Therefore, Applicant submits the combination of Herz and Heimburger does not teach all the features of claim 23.

In addition to the above, Applicant submits the dependent claims include additional features which are neither taught nor suggested by the cited art.

For example, claims 8, 18 and 36 recites the additional features “wherein said programmable device is configured as an input device to said receiving station and is configured to transmit a signal to the receiving station to indicate the location from which the receiving station may retrieve programmable device data.” These additional features are nowhere taught or suggested by the cited art.

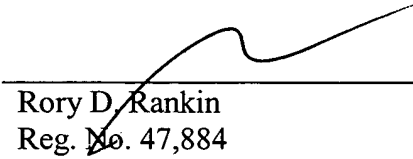
Further, claims 30, 32 and 34 recite the additional features “wherein each of said receiving station and said programmable device includes a transceiver for bidirectional communication between said receiving station and said programmable device, and wherein said programmable device is configured as an input device to said receiving station and is configured to transmit to the receiving station a piece of software.” These additional features are nowhere taught or suggested by the cited art.

Still further, claims 31, 33 and 35 recite the additional features “wherein said piece of software allows the receiver to communicate with an entity selected from the group consisting of: the programmable device; the user; and a server that provides programmable device data.” These additional features are nowhere taught or suggested by the cited art.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5266-01702/RDR.

Respectfully submitted,



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